



# City of South Bend PLAN COMMISSION

County-City Building  
227 W. Jefferson Blvd. 1400S  
South Bend, IN 46601  
(574) 235-7627  
[www.southbendin.gov/zoning](http://www.southbendin.gov/zoning)

July 20, 2022

Honorable Committee Chair Hamann  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

RE: 232 LaPorte Ave PC#0109-22

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 25<sup>th</sup> Council meeting and set it for public hearing at your August 22<sup>nd</sup> Council meeting. The petition is tentatively scheduled for public hearing at the August 15, 2022, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Request to rezone the properties from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Boyles".

Rachel Boyles  
Zoning Specialist

CC: Bob Palmer

## Petition for Rezoning or Combined Public Hearing

### Property Information

Tax Key Number 018-1027-1185

Address: 232 LaPorte Ave, South Bend IN 46616

Owner: Eddy Stephen J & Joan E As trustees of Stephen J Eddy Living Trust

Legal Description:

11 Ft N Side Lot 57 & Ex 45.2 X 66 Ft Ne Part Ex 11.2 Ft N End W End Lot 56 COBBS SUB BOL 30

### Project Summary

Approval of non conforming existing use as a three unit apartment house (Triplex)

### Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District: U2 Urban Neighborhood 2

Additional Districts, if applicable

*The Plan Commission and Council will consider the following in the review of a rezoning petition:*

*(1) The comprehensive Plan;*

*(2) Current conditions and the character of the current structures and uses in each district;*

*(3) The most desirable use for which the land in each district is adapted;*

*(4) The conservation of property values throughout the jurisdiction; and*

*(5) Responsible development and growth.*

☐ Subdivision – *complete and attach subdivision application*

☒ Special Exception – *complete and attach Criteria for Decision Making*

Use requested: legal non conforming use

☐ Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:

### Required Documents

☒ Completed Application (including Contact Information)

☒ Site Plan drawn to scale

☐ Filing Fee

☐ Additional documents as noted above

## Contact information

### Property owner(s) of the petition site:

Name: Stephen J. Eddy & Joan E. Eddy

Address: 23600 Roosevelt Road,  
South Bend, IN 46614

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

### Contact Person:

Name: Stephen J. Eddy

Address: 23600 Roosevelt Road  
South Bend, IN 46614

Phone Number: 574 289 9365 home 574 289 9353 Cell

E-mail: sjeddy61@earthlink.net

**By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.**

**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

Property Owner (s) Signatures:

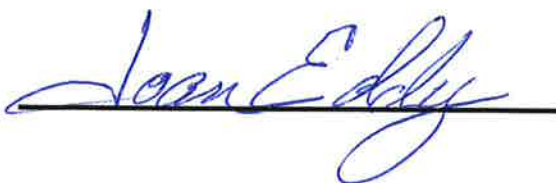
**Stephen J. Eddy**

Digitally signed by Stephen J. Eddy  
DN: cn=Stephen J. Eddy, o, ou,  
email=sjeddy61@earthlink.net, c=US  
Date: 2022.07.08 17:08:14 -04'00'



**Joan E. Eddy**

Digitally signed by Joan E. Eddy  
DN: cn=Joan E. Eddy, o, ou,  
email=joan.eddy@earthlink.net, c=US  
Date: 2022.07.06 17:09:37 -04'00'



## Criteria for Decision Making

### Special Exception - *if applicable*

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

**(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:**

The existing residence has been used as a triplex for many years. We have owned it for almost 40 years. We lived there for ten years and have rented all or parts of the home for the entire time. There is no record of any problems related to the property (city attorney record letter attached). The property is well maintained and arguably the best kept house on the street. The use would continue to be apartment rental with three units (currently two one bedroom and one that could be two bedrooms.) The units are small and therefore rent to single occupants and occasional couples. The density of occupancy is lower than most of the single family properties in the

**(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:**

If anything the continued use is an asset to the adjacent area. It is maintained above the current standards of the surrounding homes and adds to the value of the neighborhood. The neighboring home at 222 LaPorte has been a single family rental for years and is not an asset to the neighborhood..

**(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:**

It is one of the first homes in the neighborhood (built in 1886) and would be considered a single family home in appearance with one of the largest yards. If anything it adds to the character of the neighborhood. Duplexes are allowed in the current zoning and this residence has less density and occupancy than most duplexes. You would not know it was a triplex unless you counted the meters or mail boxes. It meets the requirements for U1 and U2 zoning under typical characteristics.

**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:**

The only requirement for U1 zoning it does not meet is the number of units. The city is encouraging multiple family zoning and higher density in the urban districts including ADUs. Given the area and lot size this triplex is well under and density and does not exceed occupancy levels.

## Criteria for Decision Making

### Variance(s) - *if applicable*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

**(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community, because:**

It is similar use and occupancy as the existing neighborhood and poses no issue regarding public health, safety, morals and general welfare of the community,

**(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because:**

Nothing changes. The adjacent properties are similar in nature. If anything this residence adds to the value of the neighborhood.

**(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property, because:**

This residence has been used as a triplex for some time. Converting it to a duplex or single family home while possible limits and lowers the value of the property.

**(4) The variance granted is the minimum necessary, because:**

It allows the sale of the property to potential buyer and eliminates the cost of any conversion.

**(5) The variance does not correct a hardship caused by a former or current owner of the property, because:**

It remains the same current use.

